

Message Text

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UNCLAS MONTERREY 0758

E.O. 11652: N/A

TAGS: APER, MX

SUBJ: STATUS REPORT MONTERREY APHIS CASE

REF: MONTERREY 0740

1. USDA/APHIS IN MONTERREY HAS RETAINED LOCAL ATTORNEY LIC. ANTONIO GUERRA TO REPRESENT IT BEFORE THE JUNTA LOCAL DE CONCILIACION Y ARBITRAJE EN EL ESTADO. GUERRA, FORMERLY EMPLOYED BY THE CENTRO PATRONAL DE NUEVO LEON (STATE OF NUEVO LEON PRIVATE SECTOR ORGANIZATION REPRESENTING INTERESTS OF EMPLOYERS) IS A WELL-KNOWN AND WELL-CONNECTED SPECIALIST IN LABOR MATTERS.

2. AFTER STUDYING DOCUMENTS RELATED TO CASE, GUERRA SPOKE INFORMALLY WITH THE PRESIDENT OF THE JUNTA IN ATTEMPT TO HAVE THE CASE DROPPED ON THE GROUNDS THAT IF CONTINUED IT WOULD HAVE AN ADVERSE EFFECT ON US/MEXICAN RELATIONS. ACCORDING TO GUERRA, THE JUNTA PRESIDENT SEEMED TO QUOTE REACT FAVORABLY UNQUOTE TO THIS ARGUMENT.

3. GUERRA HOPES TO ARRANGE A FORMAL MEETING WITH JUNTA PRESIDENT BEFORE THE QUOTE OFRECIMIENTO DE PRUEBAS UNQUOTE SCHEDULED FOR ELEVEN A.M. ON AUGUST 20. AT THAT MEETING HE PLANS TO ARGUE THAT THE QUOTE DEMANDA UNQUOTE TO USDA/APHIS WAS IMPROPERLY DELIVERED IN THAT THE ACTUARIO SHOULD HAVE VISITED THE APHIS HEADQUARTERS TWICE, ONCE TO GIVE NOTICE OF HIS INTENTION TO DELIVER THE QUOTE DEMANDA UNQUOTE AND THE SECOND TIME, AT A LATER DATE, TO DELIVER IT. HE WILL ALSO ARGUE THAT THE JUNTA, A STATE BODY, HAS NO JURISDICTION IN THE CASE.

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PAGE 02 MONTER 00758 192112Z

4. IF GUERRA FAILS IN HIS ATTEMPTS TO CONVINCE THE JUNTA PRESIDENT TO REMOVE THE CASE FROM THE JUNTA'S JURISDICTION, HE WILL APPEAR AT THE QUOTE OFRECIMIENTO DE PRUEBAS UNQUOTE ON AUGUST 20 PREPARED TO REFUTE THE ALLEGATIONS OF THE DECEASED WOMAN'S FAMILY THAT SHE DID NOT RECEIVE SALARY PAYMENTS AND FRINGE BENEFITS REQUIRED BY LAW AND THAT HER DEATH WAS WORK-RELATED. HE WILL ALSO STATE USDA'S INTENTION TO PAY THE FAMILY 100 FOR FUNERAL EXPENSES. WHETHER THE JUNTA WILL ALLOW GUERRA TO PRESENT THIS EVIDENCE ON AUGUST 20 IS UNCERTAIN.

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